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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/503,960	02/14/2000	Robert J. Ratterman	003801.P002	7340

7590 07/18/2003

Blakely, Sokoloff, Taylor & Zafman LLP  
12400 Wilshire Boulevard, 7th Floor  
Los Angeles, CA 90025

EXAMINER
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BACHNER, REBECCA M

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 07/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/503,960

Applicant(s)

RATTERMAN ET AL.

Examiner

Rebecca M Bachner

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 June 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Attached.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: \_\_\_\_\_

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

TARIO R. HAPZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

***Advisory Action***

1. The applicant's amendments have not been entered as they raise new issues that would require further search and consideration. The applicant narrows claim 5 as the goods or services are now limited to previously traded goods or services. Further, in claims 7 and 8, the applicant narrowed the type of relationship between the users. The claims now read that the relationship between the users is one of sponsorship. Therefore, the amended claims will not be entered.

2. The applicant argues that Epinions.com and Scharber do not teach deriving a community rating for a particular user.

However, together Epinions.com and Scharber do teach deriving a community rating for a particular user. Scharber discloses a community rating based upon the users. Scharber teaches that the virtual community is given a rating in the abstract and column 4, lines 43-63. If the community is given a particular rating, then each user in that community would have that community rating. (For example, if the '3As' group was given a 6 and Alex, Amanda, and Alice, were part of that group, then Alex would have a 6 as his community rating).

As the examiner stated in the Final Office Action, Scharber does not explicitly disclose how or any specific function used to derive the community rating. However, the rating must be created in some way for the rating to mean anything. For example, if

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one was given the rating 5, 5 would only be meaningful if one knew what the highest or lowest rating available to the group. The rating of 5 would be meaningless if it was arbitrary and there was no criteria to arrive at the number. Therefore, it would be obvious to one of ordinary skill in the art to perform a function to derive a community rating as this would be an efficient and accurate way to create a rating for the community.

Furthermore, Scharber in combination with Epinions.com teaches deriving a community rating for a particular user. As Epinions.com already teaches establishing ratings for the users and a community through the web of trust, these user ratings can be combined to create the group rating discussed in Scharber. When combining the two references it would be obvious that the individual rating would effect or help create the community rating. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to modify Epinions.com to include a community rating as it would allow an outside user (a user not in that community or web of trust) to quickly determine the reputation of those group of users in the web of trust. Thus, a reputation is formed, and an outsider can quickly assess and form an opinion about all the users in the particular community.

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rebecca Bachner** whose telephone number is 703-305-1872. The examiner can normally be reached on Monday - Friday from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Tariq Hafiz** can be reached on **(703) 305-9643**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks***

***Washington D.C. 20231***

or faxed to:

**(703) 305-7687**      Official communications; including After Final  
communications labeled "Box AF"

**(703) 746-7306**      Informal/Draft communications, labeled " DRAFT"

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

RMB  
July 15, 2000